

Appl. No. : 10/091,381
Filed : March 4, 2002

REMARKS

This is in response to the Office Action mailed March 23, 2007. Claims 1-18 remain pending, Applicant has amended Claims 1, 9 and 12 herein.

Claim Rejections in view of Fowler et al., (U.S. Patent Application No. 2002/0026348)

The Examiner rejected Claims 1-18 under 35 U.S.C. 102(e) as allegedly anticipated by the disclosure of Fowler et al., U.S. Patent Application No. 2002/0026348 ("Fowler"). Applicant submits that the invention defined by the current claims is neither anticipated by, or obvious in view of, the Fowler reference for the following reasons.

In order for Fowler to anticipate Claims 1-18, every element of the claimed invention must be identically shown in that reference, and the elements must be arranged as in the claim under review. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990) (emphasis added). It is thus important to consider the true teaching of Fowler and the particular claim limitations and their arrangement (the disclosure of the reference must not be misconstrued, including by picking and choosing among elements of the reference to "create" a different combination than is truly disclosed; see e.g. Ecolochem, Inc. v. Southern California Edison Co., 227 F.3d 1361 (Fed. Cir. 2000)).

The Examiner has pointed to various distinct and separate portions or parts of Fowler, without regard to the order of those parts or portions as disclosed in Fowler and without regard to the order of the features as claimed. Applicant asserts that Fowler does not disclose or suggest the claimed invention when Fowler's disclosure is not read out of context, and when considering all of the claim elements and the arrangement of those elements.

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Invention Compared to Fowler, Generally

The present invention is directed to a method and system by which a consumer may track their financial transactions and associated rewards, and may group transactions with rewards so as to maximize rewards. In particular, in one embodiment of the invention, a consumer may track their financial transactions and associated rewards. Such a configuration is illustrated in Figure 2C of the application. As illustrated, a consumer's transactions are identified. Those transactions are also preferably associated with particular transaction categories (such as "travel", "dining", etc.). In addition, the rewards associated with those categories, and underlying transactions, are identified for the consumer. This allows a consumer to track and manage transactions as well as rewards, such as for determining the level of transactions and rewards or to expedite the accumulation of rewards in a particular group of transactions.

In addition, the system and method permit the consumer to modify transaction/category associations. For example, a consumer might wish to change the association of certain financial transactions with another category in order to improve rewards. As one example, a consumer might change gasoline purchases from a general household category to a "travel" category in order to increase the number of travel rewards, such as to obtain a free plane ticket more quickly. See application at paragraphs [0160], [0163]-[0164].

Fowler, on the other hand, is directed to a marketing system and is directed to merchants. The system includes a database of tracked transaction data. This data may include data regarding merchants or consumers engaged in transactions. As detailed, merchants may apply different program rules to different customers, transaction types or the like. As detailed at paragraph [0031]

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of Fowler, “[f]or example, a merchant may apply a set of rules embodied in a program rules matrix module whereby customers earn accelerated benefits if specified goods and/or services are bought or if purchases are made during a specified period, or even on a particular day of the week.” In addition, that information might be used by a merchant to identify the performance of a merchant’s top customers or the like (Fowler at paragraph [0043]).

Thus, Fowler simply teaches tracking transactions for purposes of allowing one or more merchants to apply modules of program rules, not a system and method by which a customer may track their plurality of transactions, group or associate those transactions into transaction categories, and match those categories with particular customer preferred rewards programs.

Claim 1

As amended, Claim 1 is expressly directed to a method of the invention wherein a consumer associates financial transactions with different financial transaction categories and the consumer associates one or more rewards programs with each financial transaction category.

The Examiner has cited paragraphs [0023]-[0024] of Fowler as disclosing the step of assigning types of financial transactions to the plurality of financial transaction categories. However, when this portion of Fowler is read in context, it is clear that this portion of Fowler at most discloses storing transaction information in a database (see Fowler paragraph [0023] at lines 5-8 thereof) and then applying merchant program rules to different types of customers, transactions or the like (see Fowler paragraph [0024]). Applicant asserts, however, that this disclosure in Fowler does not disclose the concept of a consumer associating financial transactions with different financial categories.

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Additionally, the Examiner has cited paragraph [0024] of Fowler as teaching associating a reward program with each financial transaction category. As indicated above, however, upon closer review, Fowler merely discloses that a merchant may apply different program rules modules to various characteristics of the tracked data. As disclosed above, for example, this simply allows the merchant to provide benefits, such as if purchases are made during a specific period (see Fowler at paragraph [0031]). Thus, Fowler does not disclose the concept of a consumer associating one or more rewards programs with particular transaction categories having associated transactions.

Claim 8

Claim 8 is expressly directed toward the method of the invention in which a customer may track their financial transactions, and specifically individual transactions as matched with particular categories, and with rewards for those categories.

The Examiner has cited paragraph [0030] of Fowler as teaching “generating total transaction amount data for each financial transaction category using said information regarding assigned financial transactions”. However, this portion of Fowler is absolutely silent with respect to generating any totals of transaction amount data or performing any calculations based upon amount data. This portion of Fowler discloses that a merchant might award a certain reward for a particular level of purchase (such as \$500) and another level of reward for a greater purchase (such as \$1000), but not the step of generating total transaction data..

The Examiner also cites paragraphs [0023]-[0024] of Fowler as allegedly teaching “calculating a reward based on aggregated financial transaction for said category”. Again this portion of Fowler relates to a merchant applying certain program rules to particular transaction

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characteristics, and is absolutely silent with respect to any form of calculating rewards and more specifically, there is no mention of using an aggregated financial transaction in calculating a reward for a category. Consequently, it is respectfully submitted that Claim 8 is patentable over the disclosure of Fowler because that reference does not disclose each and every limitation of Claim 8, in the arrangement as claimed.

Claim 9

Similarly, Claim 9 is expressly directed towards a financial system for use by a customer, where the system includes a means by which the customer may group or associate financial transactions into financial transaction categories based on financial transaction types, means for associating at least one transaction category to at least one of a plurality of reward programs, and means for providing a plurality of reward programs to a consumer. As previously detailed above, Fowler does not disclose any system by which a customer or consumer may associate financial transactions with financial categories or assign rewards programs to particular categories.

Claim 12

Claim 12 is similarly directed to a method by which a consumer's financial transactions are associated with particular transaction categories, but permitting the consumer to override the association of particular transactions with particular categories. As indicated, Fowler is absolutely silent with respect to any form of customer input regarding association of financial transaction information with financial transaction categories, or selection and association of a reward program to a transaction category (see application at paragraphs [134]-[166], including paragraph [160]). Consequently, it is respectfully submitted that Claim 12 is patentable over the disclosure of Fowler

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because that reference does not disclose each and every limitation of Claim 12, in the arrangement as claimed.

Dependent Claims

Applicant notes that Claims 2-7 depend from Claim 1, Claims 10 and 11 depend from Claim 9 and Claims 13-18 depend from Claim 12. In that the cited reference does not anticipate or render obvious independent Claims 1, 9, and 12 for the reasons stated above, the reference does not anticipate nor render obvious dependent Claims 2-7, 10, 11 and 13-18. Accordingly, Applicant asserts that Claims 2-7, 10-11 and 13-18 are allowable for at least the reason they depend from patentable independent Claims 1, 9 and 12 respectively. In addition, Applicant further asserts that Fowler, does not teach or suggest various limitations of those claims.

Summary

In view of the above remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this case for issue. If any matters remain outstanding regarding further prosecution of this application, the Examiner is invited to contact the undersigned by telephone.

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